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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,642

10/27/2003

Hari Shankar

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FORT COLLINS, CO 80527-2400

EXAMINER

HSTU, ALPUS

ART UNIT

PAPER NUMBER

2619

NOTIFICATION DATE

DELIVERY MODE

08/08/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/693,642	SHANKAR, HARI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alpus H. Hsu	2619	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 1-10 is/are allowed.  
 6) ☒ Claim(s) 11-19 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
     1. ☐ Certified copies of the priority documents have been received.  
     2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                          |

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The claimed features of a network including **plural coupled computer arrangements and a program** for causing the network to operate in accordance with a method as in claims 11-13, **one or more host computers** configured to carry out a method as in claims 14-16, and **a memory device or storage medium including computer readable data in the form of a program** for causing a network to be operated in accordance with a method as in claims 17-19, all do not have proper antecedent basis in the specification disclosure.

2. Claims 11-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claimed subject matters of having a network including **plural coupled computer arrangements and a program** for causing the network to operate in accordance with a method as in claims 1, 7 and 8, respectively as in claims 11-13, **one or more host computers** configured to carry out a method as in claims 7, 8 and 1 respectively as in claims 14-16, and **a memory device or storage medium including computer readable data in the form of a program** for causing a network to be operated in accordance with a method as in claims 1, 7 and 8 respectively as in claims 17-19, all were not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. Claims 11-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 11-13, it is vague and indefinite for reciting a “network” without reciting any structural elements but a program to perform the functions as in method claims 1, 7 and 8. To be more specific, it is unclear as to whether a network or a computer program or a method is intended to be the claimed limitation, which renders each claim vague and indefinite.

In claims 14-16, it is vague and indefinite for reciting “one or more host computers” without reciting any programming code and processor for carrying out the methods as in claims 1, 7 and 8. To be more specific, it is unclear as to whether a computer hardware, software or firmware is intended to be the claimed limitation, which renders each claim vague and indefinite.

In claims 17-19, it is vague and indefinite for reciting “a memory device or storage medium including computer readable data in the form of a program for causing a network to be operated in accordance with a method” without reciting any processor or computer for carrying out the method or structural elements for the network to perform the functions as in the method claims. To be more specific, it is unclear as to whether a memory device or a computer readable medium is intended to be the claimed limitation, which renders each claim vague and indefinite.

4. Claims 1-10 are allowed.

5. Due to the nature of objection to the specification, and 112, 1<sup>st</sup> & 2<sup>nd</sup> paragraph issues regarding claims 11-19, no prior art or allowable subject matter can be determined or applied at this time.
6. Applicant's arguments filed May 5, 2008 have been fully considered but they are not persuasive.

In the remark, regarding the objection to the specification as failing to provide proper antecedent basis for the claimed subject matter, the applicant has not provided any valid argument.

Regarding the rejection of claims 11-19 under 112, 2<sup>nd</sup> paragraph, the applicant requested for further clarification, which the examiner has complied with such request in the instant office action.

Regarding the rejection of claims 11-19 under 1<sup>st</sup> paragraph, the applicant argued that a person of ordinary skill in the art would understand that the disclosure in the application as filed discloses the elements set forth in claims 11-19 by referring to Figures 1, 2 and 5, and paragraphs 0028, 0041-0043, 0045, 0053 respectively.

The examiner disagreed for the following reasoning:

Regarding claims 11-13, Figure 1 and paragraph 0028 merely shown a network topology diagram with a plurality of routers interconnected to one another, and paragraph 0045 merely shown the functions of creating LSP and assigning channel identifier, which were not sufficient in supporting the claimed network including plural coupled computer arrangements. Regarding computer readable data included in the network, Figures 2 and 5, paragraphs 0041-0043 and 0053 merely shown flow diagrams for layered protocol, which were insufficient in supporting a

computer readable data in the network since it is unclear as to which part or which element in the network is intended to be the computer readable data implementation.

Similarly, regarding claims 14-19, nowhere in Figures 1, 2 and 5, and paragraphs 0028, 0041-0043, 0045, 0053 supports the claimed subject matter of one or more host computers to carry out the methods of claims 7, 8 and 1 as in claims 14-16, and a memory device or storage medium including computer readable data in the form of a program for causing a network to be operated in accordance with the methods of claims 1, 7 and 8.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH

/Alpus H. Hsu/  
Primary Examiner, Art Unit 2619